

**REMARKS**

Favorable reconsideration of the above-identified application is respectfully requested in view of the following remarks.

By way of this Amendment, new Claims 29-31 have been added. Thus, the claims currently pending in this application are Claims 9, 10, 13-17, 19-23 and 26-31, with Claims 9, 16 and 22 being the only independent claims.

Examiner Durand is kindly thanked for indicating that the claims in this application would be allowable if amended to address several minor issues involving the language in the independent claims.

The Official Action raises an issue regarding delineation of the preamble and the body of Claims 9, 16 and 22. Claim 9 has been amended to include the transition term "comprising" for purposes of better delineating the body of the claim. The other two independent claims in this application include such transition phrase and so it is believed that it is not necessary to include a similar change in these claims.

The Official Action also objects to the use of the phrase "and/or" in Claims 9, 16 and 22. Such term has been replaced by --or--, with the understanding that this change does not preclude the "and" possibility. New dependent Claims 29-31 have been added to make this point clear.

Another issue raised in the Official Action relates to movement of the tube. The Official Action raises this issue in the context of Claims 9 and 16, although it is noted that Claim 16 does not refer to movement of the tube. It appears that perhaps the Official Action intended to refer to Claims 9 and 22. Claims 9 and 22 have been amended to address the concern raised by the Examiner.

The last issue raised in the Official Action involves the presence of the phrase "under a liquid surface of the liquid food" in Claims 9, 16 and 22. This language is not present in Claim 22, and the language at issue is deleted from Claims 9 and 16. Therefore, this issue is addressed.

The foregoing claim amendments do not narrow the claim scope.

Based on the foregoing remarks and amendments, withdrawal of the claim rejection based on the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 22, 2005

By: Kevin B. McGriff (Rn. 53,297)

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